

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JERMAINE KENYATTA COLEMAN

PLAINTIFF

VS.

CIVIL ACTION NO. 2:18-CV-29-KS-MTP

OFFICER ALEXANDER KITCH

DEFENDANTS

ORDER

This cause is before the Court on Motion to Dismiss [7] filed by Defendant Alexander Kitch and Report and Recommendation [9] filed by United States Magistrate Judge Michael T. Parker. The Court has considered same and finds that the Report and Recommendation is not objected to, and the Court finds that the Report and Recommendation should be accepted as the finding of this Court and incorporated in this Court's Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion to Dismiss [7] filed by Defendant Kitch be and same is hereby DENIED without prejudice to contest the sufficiency of the allegations after a *Spears* hearing.

SO ORDERED, this 4th day of May, 2018.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE